

EXECUTIVE OFFICER SUMMARY REPORT  
October 12, 2005

ITEM: 9

SUBJECT: Modification of a California Water Code Section 13225/13267/13383 Directive to the County of Orange, Orange County Flood Control District, Cities of Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest and Mission Viejo (Dischargers) for implementation of an action plan to address elevated bacteria levels in the Aliso Creek Watershed. (Jeremy Haas)

PURPOSE: To review and approve requested revisions to the Aliso Creek watershed bacteria monitoring program being conducted by the Dischargers.

PUBLIC NOTICE: The Agenda notice for the October 12, 2005 Regional Board meeting serves as the public notice for this item.

DISCUSSION: On March 2, 2001 the Executive Officer issued a Directive pursuant to CWC Section 13225 for an investigation of urban runoff in the Aliso Creek watershed requiring that the County of Orange and the Cities within the watershed conduct weekly monitoring at the largest storm drain outfalls that discharge to Aliso Creek. After a public hearing in May 2001, the Regional Board modified the Directive, requiring additional receiving water monitoring and establishing criteria for terminating the monitoring program. Specifically, the Regional Board directed that monitoring would continue at a location until body-contact recreation (REC-1) standards were achieved for three consecutive months at that location or until the Regional Board determined further monitoring is not necessary.

To date weekly monitoring has demonstrated that inland receiving waters near storm drain outfalls rarely meet REC-1 standards and do not consistently meet non-contact recreation objective (REC-2). Consequently, the wasteload reduction efforts of the Dischargers in the watershed have failed to result in meeting the Regional Board's criteria for terminating the monitoring.

In March 2004, the Dischargers submitted a proposal for revisions to the Aliso Creek Monitoring Program. The revisions were based upon a statistical analysis of the monitoring data with the goal of developing

a cost-effective monitoring program that will provide information for the assessment of trends in the lower watershed and for evaluation of BMP effectiveness at high-priority storm drain areas. The Dischargers propose that this new monitoring program, which will supplement the monitoring program being conducted under their MS4 storm water requirements, will provide data necessary to assess the progress of their jurisdictional and watershed urban runoff management programs (WURMP) in addressing the bacteria problem. Individual and cooperative actions for addressing bacteria impairments have been described in the Dischargers' Aliso Creek WURMP.

Contained in today's agenda is a technical report that provides further background information and discusses pertinent issues and options. Although the Executive Officer has the authority to terminate or revise a monitoring program initiated pursuant to CWC §13225, the proposed modification is being presented to the Regional Board because of relatively high level of public interest in the Aliso Creek watershed, and because the Regional Board previously provided direction for the monitoring program design and objectives.

With direction from the Regional Board, the Executive Officer would make appropriate modifications to the existing monitoring program pursuant to California Water Code Sections 13225/13267/13383.

**KEY ISSUES:**

1. The proposed monitoring plan modifications would provide for assessment of summertime trends in the lower watershed and gage the effectiveness of action plans within specific drainage areas.
2. The Dischargers would continue to implement management activities as directed by the municipal NPDES storm water requirements (Order No. R9-2002-01) pursuant to the jurisdictional and watershed urban runoff management program sections.
3. The Dischargers' monitoring and action plans may be revised upon the anticipated adoption of the Bacteria-Impaired Waters TMDL Project I for Beaches and Creeks, which will provide certainty regarding waste load allocations and water quality based effluent limits.

**LEGAL CONCERNS:** NONE

**SUPPORTING  
DOCUMENTS:**

1. Map of the affected area
2. Technical Report dated October 12, 2005

3. March 2001 Directive to Municipal Dischargers in the Aliso Creek watershed
4. May 15, 2001 letter clarifying monitoring amendments following the May 9, 2001 Regional Board meeting
5. Proposed Revised Monitoring Program Design

COMPLIANCE: Each discharger has complied with the requirements of the Directive.

RECOMMENDATION: Direction to the Executive Officer to modify the Aliso Creek bacteria monitoring program as requested by the Dischargers is recommended.